

Appl. No. : 10/796,609
Filed : March 9, 2004

REMARKS

In response to the Office Action mailed July 26, 2007, the Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Summary of the Office Action

In the July 26, 2007 Office Action, Claims 1, 5, 8, and 25-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,798,400, issued to Kosuge (hereinafter “Kosuge ‘400”) and by U.S. Patent No. 4,773,675, issued to Kosuge (hereinafter “Kosuge ‘675”). In addition, Claim 25 stands objected to due to a typographical error in line 2.

Summary of the Amendment

Upon entry of this amendment, Applicants will have amended Claims 1, 6, 7, and 25. Accordingly, Claims 1 and 5-26 currently remain pending. By this amendment, the Applicants respond to the Examiner’s comments and rejections made in the July 27, 2007 Office Action. Applicants respectfully submit that the present application is in condition for acceptance.

Allowable Subject Matter

In the July 26, 2007 Office Action, Claims 9-24 were allowed. In addition, Claims 6-7 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the Examiner’s indication of this allowable subject matter. Accordingly, Applicants have amended Claims 6-7 to include the features of their base claim, Claim 1, and are now believed to be allowable. Therefore, Applicants respectfully request that the Examiner indicate allowance of Claims 6-7 and 9-24.

Traversal of Rejections under 35 U.S.C. § 102(b)

In the July 26, 2007 Office Action, Claims 1, 5, 8 and 25-26 stand rejected under Section 102(b) as being anticipated by Kosuge ‘400 and Kosuge ‘675 (collectively “Kosuge references”). Applicants respectfully traverse this rejection. While Applicants reserve the right to prosecute Claim 1 as originally filed, Applicants have amended Claim 1 in order to expedite prosecution of this Application.

As agreed during the interview, Applicants have amended Claim 1 to recite "the detachably affixed frame portion extending adjacent to an upper portion of the prime mover".

During the interview, Applicants pointed out that the Kosuge references disclose a vehicle support frame that includes "an engine supporting frame 7 arranged upright on a rear part of the main frame 1 . . . , a rear frame 8 removably connected to a rear end of the engine supporting frame 7 and depending therefrom and bent forward at a level substantially equal to a level of the main frame 1, and a lower frame 9 removably connected to a front portion of the rear frame 8 and also removably connected to a lower end of the oblique frame 6." Kosuge '675, col. 2, lines 50-63. These features are shown in Figure 2 of the Kosuge '675 patent at right.

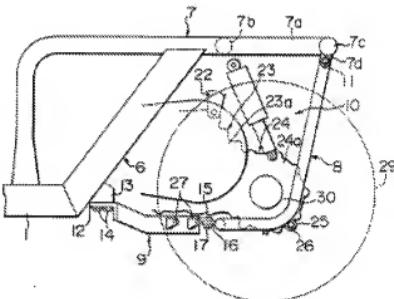
As illustrated in Figure 2 at right (which represents the frame disclosed in both Kosuge references), neither the oblique frame 6 nor the rear frame 8 is "disposed forwardly to and vertically above an axis of said rear wheel," as recited in Claim 1. Applicants note that Kosuge '400 apparently discloses the frame arrangement of Kosuge '675 and similarly fails to disclose or otherwise teach each and every feature of Claim 1.

As a result of the interview, the Examiner agreed that if Claim 1 were amended as set forth above, the present rejection would be over come. Thus, Applicants submit that the present rejection is now moot.

In Re Objection to Claim 25

Claim 25 stands objected to due to a typographical error in line 2. Claim 25 has been amended to correct a typographical error. As suggested by the Examiner, Claim 25 has now been amended to read "a rear side." Accordingly, Applicants respectfully request that the Examiner withdraw the objection to Claim 25.

FIG. 2



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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

The Applicants respectfully submit that the above rejections and objections have been overcome and that the present application is now in condition for allowance. Therefore, the Applicants respectfully request that the Examiner indicate that Claims 1 and 5-26 are now acceptable and that Claims 1 and 5-26 are allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicants respectfully submit that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements

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noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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